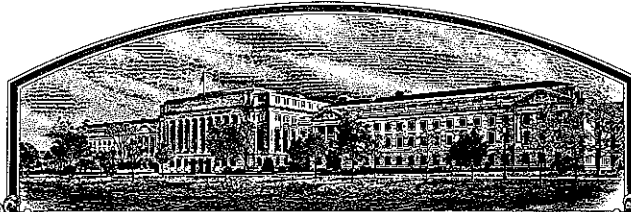


No.

9800263



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Hybri Tech Seed International, a unit of Monsanto Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE IDENTIFIED BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF SEEDS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'Marion'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this thirtieth day of July in the year of our Lord one thousand nine hundred and ninety-nine.

Attest:

Ann Marie Johnson

Commissioner
Plant Variety Protection Office
July 30, 1999

Don Glickman
Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE DIVISION - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the privacy Act of 1974 (5 U.S.C. 552a)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421) Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER		3. VARIETY NAME	
HybriTech Seed International, a unit of Monsanto Co.		D93*7163		Marion	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code)		5. TELEPHONE (include area code)		FOR OFFICIAL USE ONLY	
5912 N. Meridian Street Wichita, Kansas 67204-1699		316-755-1250		PVPO NUMBER 9800263	
		6. FAX (include area code)		F I L I N G	
		316-755-0072		DATE 5/20/98	
7. GENUS AND SPECIES NAME		8. FAMILY NAME (Botanical)		F I L I N G AND EXAMINATION FEE:	
Triticum aestivum		Gramineae		2450.00	
9. CROP KIND NAME (common name)				DATE 5/20/98	
SOFT RED WINTER WHEAT				CERTIFICATION FEE	
10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) (common name)				300	
Corporation				DATE 8/10/99	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION		12. DATE OF INCORPORATION			
Delaware		1933			
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS				14. TELEPHONE (include area code)	
Dr. Gordon Cisar 806 N. Second Street PO Box 1320 Berthoud, Colorado 80513				970-532-9840	
AND					
Mr. Robert Bruns 806 N. Second Street PO Box 30 Berthoud, Colorado 80513 970-532-3721				15. FAX (include area code)	
				970-532-2035	
16. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (follow instructions on reverse)					
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety					
b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness					
c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of the Variety					
d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety					
e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Applicant's Ownership					
f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds, or, for tuber propagated varieties verification that tissue culture will be deposited and maintained in a public repository)					
g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to PVPO)					
17. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act)					
<input checked="" type="checkbox"/> YES (if "yes", answer items 18 and 19 below) <input type="checkbox"/> NO (if "no", go to item 20)					
18. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?					
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
19. IF "YES" TO ITEM 18, WHICH CLASSES OF PRODUCTION BEYOND BREEDERS SEED?					
<input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED					
20. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?					
<input type="checkbox"/> YES (if "YES", give names of countries and dates) <input checked="" type="checkbox"/> NO					
21. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.					
The undersigned applicant(s) is(are) the owner(s) of this sexually reproduced or tuber plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.					
Applicant(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT (Owner(s))			SIGNATURE OF APPLICANT (Owner(s))		
Dr. Gordon Cisar					
NAME (Please print or type)			NAME (Please print or type)		
Dr. Gordon Cisar					
CAPACITY OR TITLE		DATE		CAPACITY OR TITLE	
Project Leader, HRW Research		5/12/98			

Exhibit A.

Origin and Breeding History of Marion

Marion was derived from the cross VA82-52-64/SW85-5009 (VA82-52-64 was an experimental inbred from VPI that was an entry in the 1986 USDA Uniform Southern Soft Wheat Nursery; entry #27. SW85-5009 was an experimental inbred developed by Nickerson American Plant Breeders and selected from the cross: 803-4(Era/Tobari//Lovrin11)/Southern Belle//Amigo/803-4.

The single cross that produced Marion was made in the 1987 spring greenhouse at Brookston, IN. The F1 seeds were grown in the greenhouse at Brookston, IN in winter of 1987-88. These F1 seeds were grown in cups, vernalized in the greenhouse, hardened outside near the greenhouse for about 5 days and transplanted to the field in early April 1988. Seeds harvested from these F1 hill-plots were grown in a 1988-89 F2 bulk plot near Haynes, AR. A portion of the harvested F2 bulk plot was space-planted in a 1989-90 F3 bulk plot near Crawfordsville, AR. A portion of the harvested F3 bulk plot was thin-seeded in a 1990-91 F4 bulk plot near Jonesboro, AR. Seventy-six heads were selected from this F4 bulk population and grown as F5 Pre-Y1 (head-rows) in a field near Jonesboro, AR in 1992. The selection that became Marion was selected for disease resistance, short height, and excellent agronomics. This (F6) seed was grown in Y1 (observation) plots near Jonesboro, AR and Cleveland, MS in 1992. D93*7163 has been in advanced testing from 1994 to the present and is being tested as AP-D93*7163 in the 1998 Uniform Southern Soft Wheat Nursery.

In 1996, four hundred forty-eight purification headrows were grown at Berthoud, Colorado. Four hundred thirty-six rows with uniform appearance were harvested and planted in 1997 as a 3.5 acre Breeders Seed increase near Berthoud, CO.

Marion has been uniform and stable since 1996. About 0.8% of the plants were rogued from the initial Breeder's Seed increase in 1996. Approximately 80% of the rogued variant plants were taller height wheat plants (5 to 15 cm.), 2% were bronze chaff color at maturity, 3% were awnletted wheat plants and 5% were later maturity wheat plants. Up to 1.0% variant plants may be encountered in subsequent generations.

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Exhibit B.
Statement of Distinctness

Marion is most similar to the soft red winter wheat 'Pioneer 2548'. However, it can be easily distinguished by the following morphological characteristics:

- Marion expresses a red coleoptile color (Berthoud, CO 1996, 1997). Pioneer 2548 expresses white coleoptile color (Berthoud, CO 1996, 1997 and Crop Science Registration 31:850-851, 1991).
- Marion has a strap head shape at maturity (Berthoud, CO 1996, 1997). Pioneer 2548 has a tapering head shape at maturity (Berthoud, CO 1996, 1997 and Crop Science Registration 31:850-851, 1991).
- Marion has a twisted flag leaf at boot stage (Berthoud, CO 1996, 1997). Pioneer 2548 does not express flag leaf twist at boot stage (Berthoud, CO 1996, 1997 and Crop Science Registration 31:850-851, 1991).

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE DIVISION
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY
WHEAT (*Triticum* Spp.)

NAME OF APPLICANT(S) HybriTech Seed International, a unit of Monsanto Co.	FOR OFFICIAL USE ONLY PVPO NUMBER 9800283
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 5912 N. Meridian Street Wichita, Kansas 67204-1699	NAME OR EXPERIMENTAL DESIGNATION Marion

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in the first box when number is either 99 or less or 9 or less respectively. Data for quantitative plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized standard may be used to determine plant colors; designate system used.
Please answer all questions for your variety; lack of response may delay progress of your application.

1. KIND:

1 1=Common 2=Durum 3=Club 4=Other (specify) _____

2. VERNALIZATION:

2 1=Spring 2=Winter 3=Other (specify) _____

3. COLEOPTILE ANTHOCYANIN:

2 1=Absent 2=Present

4. JUVENILE PLANT GROWTH:

2 1=Prostrate 2=Semi-erect 3=Erect

5. PLANT COLOR (boot stage):

3 1 = Yellow-Green 2 = Green 3 = Blue-Green

6. FLAG LEAF (boot stage):

2 1 = Erect 2 = Recurved

2 1 = Not Twisted 2 = Twisted **38 MAY 30 6 33 PM**

7. EAR EMERGENCE:

0 0 Number of Days Earlier Than **0204-742-4460** *

3 .5 Number of Days Later Than **Coker 9835** *

8. ANTHER COLOR:

1 1 = YELLOW 2 = PURPLE

9. PLANT HEIGHT (from soil to top of head, excluding awns):

0 0 cm Taller Than _____ *

0 3 cm Shorter Than **Pioneer 2684** *

* Relative to a PVPO-Approved Commercial Variety Grown in the Same Trial

10. STEM:

A. ANTHOCYANIN

1 1= Absent 2=Present

B. WAXY BLOOM

2 1=Absent 2=Present

C. HAIRINESS (*last internode of rachis*)

1 1=Absent 2=Present

D. INTERNODE (*specify number*)

1 1=Hollow 2=Semi-solid 3=Solid

E. PEDUNCLE

1 1=Erect 2=Recurved

1 2 cm Length

11. HEAD (*at Maturity*):

A. DENSITY

2 1=Lax 2=Middense 3= Dense

B. SHAPE

2 1 = Tapering 2= Strap 3 = Clavate 4 = Other (*specify*)

C. CURVATURE

2 1 = Erect 2 = Inclined 3 = Recurved

D. AWNEDNESS

4 1 = Awnless 2 = Apically Awnletted 3 = Awnletted 4 = Awned

12. GLUMES (*at Maturity*):

A. COLOR

1 1 = White 2 = Tan 3 = Other (*specify*)

B. SHOULDER

2 1 = Wanting 2 = Oblique 3 = Rounded 4 = Square 5 = Elevated 6 = Apiculate

C. BEAK

3 1 = Obtuse 2 = Acute 3 =Acuminate

D. LENGTH

3 1 = Short (ca. 7mm) 2 = Medium (ca. 8mm) 3 = Long (ca. 9mm)

E. WIDTH

2 1 = Narrow (ca. 3mm) 2 = Medium (ca. 3.5mm) 3 = Wide (ca. 4mm)

13. SEED:

A. SHAPE

1 1 = Ovate 2 = Oval 3 = Elliptical

B. CHEEK

1 1=Rounded 2=Angular

C. BRUSH

2 1=Short 2=Medium 3=Long

1 1 = Not Collared 2 = Collared

D. CREASE

1 1 = Width 60% or less of Kernel
2 = Width 80% or less of Kernel
3 = Width Nearly as Wide as Kernel

1 1 = Depth 20% or less of Kernel
2 = Depth 35% or less of Kernel
3 = Depth 50% or less of Kernel

13. SEED: (continued)

E. COLOR

☒ 3 1 = White 2 = Amber 3 = Red 4 = Other (specify) _____

F. TEXTURE

☒ 2 1=Hard 2=Soft

G. PHENOL REACTION (see instructions):

☒ 0 1 = Ivory 2 = Fawn 3 = Light Brown 4 = Dark Brown 5 = Black

14. DISEASE: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE INDICATE THE SPECIFIC RACE OR STRAIN TESTED

☒ 4 Stem Rust (*Puccinia graminis* f. sp. *tritici*)
Field Races

☒ 4 Stripe Rust (*Puccinia striiformis*)
Field Races

☒ 0 Tan Spot (*Pyrenophora tritici-repentis*)

☒ 0 Halo Spot (*Selenophoma donacis*)

☒ 0 *Septoria nodorum* (Glume Blotch)

☒ 0 *Septoria avenae* (Speckled Leaf Disease)

☒ 0 *Septoria tritici* (Speckled Leaf Blotch)

☒ 0 Scab (*Fusarium* spp.)

☒ 0 Black Point (Kernel Smudge)

☒ 0 Barley Yellow Dwarf Virus (BYDV)

☒ 0 Soilborne Mosaic Virus (SBMV)

☒ 0 Wheat Yellow (Spindle Streak) Mosaic Virus

☒ 0 Wheat Streak Mosaic Virus (WSMV)

☐ Other (specify) _____

☐ Other (specify) _____

☐ Other (specify) _____

☒ 4 Leaf Rust (*Puccinia recondita* f. sp. *tritici*)
Field Races

☒ 0 Loose Smut (*Ustilago tritici*)

☒ 0 Flag Smut (*Urocystis agropyri*)

☒ 0 Common Bunt (*Tilletia tritici* or *T. laevis*)

☒ 0 Dwarf Bunt (*Tilletia controversa*)

☒ 0 Karnal Bunt (*Tilletia indica*)

☒ 4 Powdery Mildew (*Erysiphe graminis* f. sp. *tritici*)

☒ 0 Snow Molds

☒ 0 Common Root Rot (*Fusarium*, *Cochliobolus* and *Bipolaris* spp.)

☒ 0 Rhizoctonia Root Rot (*Rhizoctonia solani*)

☒ 0 Black Chaff (*Xanthomonas campestris* pv. *translucens*)

☒ 0 Bacterial Leaf Blight (*Pseudomonas syringae* pv. *syringae*)

☐ Other (specify) _____

☐ Other (specify) _____

☐ Other (specify) _____

☐ Other (specify) _____

15. INSECT: (0=Not Tested; 1=Susceptible; 2=Resistant; 3=Intermediate; 4=Tolerant)

PLEASE SPECIFY BIOTYPE (where needed)

<input checked="checked" type="checkbox"/> 0	Hessian Fly (<i>Mayetiola destructor</i>)	<input type="checkbox"/>	Other (<i>specify</i>)
<input checked="checked" type="checkbox"/> 0	Stem Sawfly (<i>Cephus</i> spp.)	<input type="checkbox"/>	Other (<i>specify</i>)
<input checked="checked" type="checkbox"/> 0	Cereal Leaf Beetle (<i>Oulema melanopa</i>)	<input type="checkbox"/>	Other (<i>specify</i>)
<input checked="checked" type="checkbox"/> 0	Russian Aphid (<i>Diuraphis noxia</i>)	<input type="checkbox"/>	Other (<i>specify</i>)
<input checked="checked" type="checkbox"/> 0	Greenbug (<i>Schizaphis graminum</i>)	<input type="checkbox"/>	Other (<i>specify</i>)
<input checked="checked" type="checkbox"/> 0	Aphids		

16. ADDITIONAL INFORMATION ON ANY ITEM ABOVE, OR GENERAL COMMENTS:

28 MAY 50 63 52

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Exhibit D.
Additional Description of Marion

Marion is a strong strawed, short statured wheat with medium to medium-full season maturity. Marion offers good resistance to the most prevalent races of Leaf rust and Powdery mildew in this region. Milling and baking characteristics are good.

Juvenile growth habit is semierect. Seedling anthocyanin is present. Plant color at boot stage is blue green. Auricle anthocyanin and auricle hairs are present. Flag leaf at boot stage is recurved and twisted. Waxy bloom is present on the head, stem and flag leaf sheath. Anther color is yellow. Head shape is strap and awned. Glumes are glabrous, medium in width and long in length with oblique shoulders and acuminate beaks. Seed shape is ovate. Brush hairs are medium in size. Seed crease depth is shallow and width is narrow. Seed cheeks are rounded.

Marion is well adapted to the coastal plain regions of the Carolinas, the northern halves of Georgia, Alabama, and Mississippi, and all of western Tennessee and Arkansas.

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Agripro D93*7163
Milling and Baking Quality

YR	VARIETY or LINE	LOC-CODE	Wheat	MILLING							BAKING				NORRIS HARDNESS
			Protein %	Break Flour %	R	Total Flour %	Test Wt.	*MV ₁₅₀₀₀	R	Flour Prot. %	R	Cookie Diam. mm	T.G. R	R	
94	D93*7163	UA-71419	9.2	43.0	3	69.1	59.1	\$11,182	5	8.0	2	17.5	7	5	01
94	D93*7163	SM-71419	9.6	39.1	6	69.3	61.2	\$11,726	4	8.4	2	17.9	8	5	06
95	D93*7163	MA-96221	9.8	36.6	6	62.8	59.0	\$6,702	9	7.9	5	17.0	8	5	01
95	D93*7163	MK-96221	13.6	36.7	4	65.7	58.0	\$8,607	4	12.1	1	16.8	9	4	16
96	D93*7163	UA-96214	8.8	42.5	3	65.6	57.8	\$8,508	4	7.2	4	17.1	6	4	03
AVERAGE			10.2	39.6	4	66.5	59.0	\$9,345	5	8.7	3	17.3	8	5	05

Very High Quality Check for Comparison

94	MALLARD	UA-71401	8.8	45.0	2	72.1	56.3	\$12,679	2	7.6	3	18.3	1	6	11
94	MALLARD	SM-71401	8.6	44.2	2	71.4	58.1	\$12,596	2	8.0	3	18.8	1	7	13
95	MALLARD	MA-96201	8.8	42.0	2	70.5	55.0	\$11,330	2	8.8	3	17.9	1	4	08
95	MALLARD	MK-96201	12.5	39.0	2	67.8	54.0	\$9,374	2	11.4	3	18.0	1	4	16
96	MALLARD	UA-96201	8.8	43.8	2	67.6	55.6	\$9,519	2	7.5	3	17.8	1	4	12
AVERAGE			9.5	42.8	2	69.9	55.8	\$11,100	2	8.7	3	18.2	1	5	12

*MV₁₅₀₀₀ = The Milling Value of 15000 cubic feet of grain if the flour is worth \$10.00 per cwt and the grain costs \$3.50 per 60 pound unit (without any TW discount).

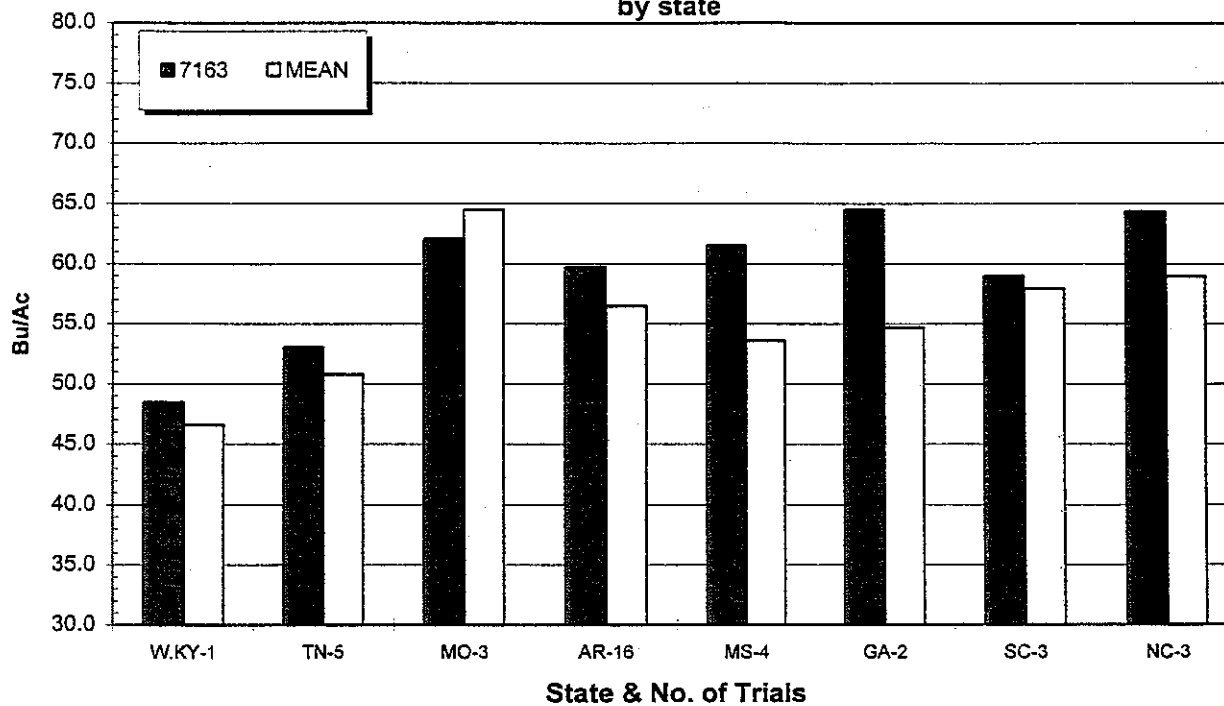
Note: For MV calculation purposes, 5% is added to total flour yields to approximate commercial mill values.

28 MAY 50 63 58

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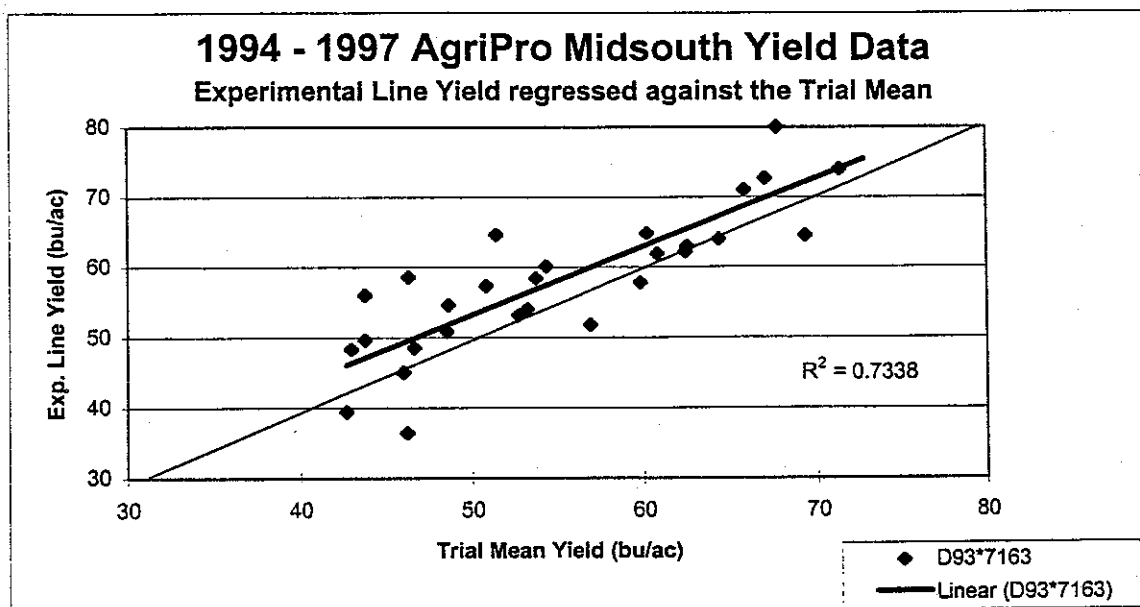
D93*7163 Yield vs. Trial Mean Yield

by state



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KECH 100



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Supportive Information for D93*7163 Wheat

1994 - 1997 Midsouth Adapted Area Yield Trials (Agripro)
Agronomic and Pathologic Data

	50% Heading (day of year)	Maturity (day of year)	Height (cm.)	Test Weight (lb/bu)	Lodging (1-9)	Winter Kill (1-9)	Leaf Rust (1-9)	Stem Rust (1-9)	Bacterial Stripe (1-9)
D93*7163	112.1	149.3	83	58.7	2.0	3.8	2.0	2.0	2.0
Pioneer 2684	104.4	146.8	86	59.2	2.5	4.3	5.6	7.0	7.0
Hickory	108.9	145.8	95	57.8	5.5	4.0	6.0	3.0	3.0
Mallard	113.5	150.3	89	56.1	2.3	2.2	3.3	5.0	3.0
Wakefield	115.6	149.8	98	56.9	3.0	4.1	7.3	6.0	5.0
Clemens	117.5	152.8	102	57.7	3.5	2.2	4.0	2.0	3.0
# Locations	2-6	2	6-12	4-11	1-3	3	6	1	1
# Years	2-4	2	2-4	2-4	2-3	1	2	1	1

1995 - 1997 Southeastern Adapted Area Yield Trials (Agripro)
Agronomic and Pathologic Data

	50% Heading (day of year)	Height (cm.)	Test Weight (lb/bu)	Lodging (1-9)	Winter Kill (1-9)	Leaf Rust (1-9)	Powdery Mildew (1-9)
D93*7163	108.9	86	58.3	1.0	4.0	2.0	1.7
Pioneer 2684	100.9	89	58.0	1.0	4.0	2.8	2.2
Coker 9835	105.4	84	55.5	1.9	5.0	3.8	4.3
Jackson	108.8	94	56.4	1.5	3.0	6.0	1.8
# Locations	7	7	6	4	1	3	6
# Years	2	2	2	2	1	2	2

Note: Extremes for the 1-9 Ratings in these tables are as follows:

	1	9
Lodging	V.Strong Straw	V.Weak Straw
Winter Kill	All Leaves Green	All Leaves Dead
Diseases	Very Resistant	Susceptible

1997, Agripro Seeds, Inc.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) HybriTech U.S., a unit of Monsanto Company	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER D93*7163	3. VARIETY NAME 'Marion'
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 5912 N. Meridan Street Wichita, Kansas 67204-1699	5. TELEPHONE (include area code) 316-755-1250	6. FAX (include area code) 316-755-0072
7. PVPO NUMBER 9800263		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or U.S. based company?
If no, give name of country ☒ YES ☐ NO10. Is the applicant the original owner? ☐ YES ☒ NO If no, please answer one of the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?

☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?

☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use reverse for extra space):

*Please see following page.

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

Exhibit E.
Statement of the Basis of Applicant's Ownership

The variety for which Plant Variety Protection is hereby sought was developed by J. Barton Fogleman, an employee of Agripro Seeds, Inc. By agreement between employees and Agripro Seeds, Inc., all rights to any invention, discovery, or development made by the employee while employed by Agripro Seeds, Inc., were assigned to Agripro Seeds, Inc., with no rights of any kind pertaining to 'Marion' being retained by the employees.

By contractual agreement the variety 'Marion' was purchased from Agripro Seeds, Inc. in June of 1996 and is currently owned by HybriTech Seed International, Inc.

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